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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/750,585	12/28/2000	Robert C. Phillips	205469	6507	
23460	7590 09/25/2003				
LEYDIG VOIT & MAYER, LTD TWO PRUDENTIAL PLAZA, SUITE 4900 180 NORTH STETSON AVENUE			EXAMINER		
			STEVENS, ROBERTA A		
CHICAGO, I	L 60601-6780		ART UNIT	PAPER NUMBER	
			2665	1:	
		••	DATE MAILED: 09/25/2003	DATE MAILED: 09/25/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Examiner   Roberta A Stevens   2655	<u> </u>							
## Examiner Roberta A Stevens 2665  ## The MAILING DATE of this communication appears on the cover sheet with the correspondence address —  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE of THIS COMMUNICATION.  Extensions of time may be available under the provisions of 3°C FR 1.138(a). In no event, however, may a may be terming filled.  If the period for may specified above, the maximum distulatory period will apply and will equips SX (0) MONTHS from the mailing date of this communication.  If the period for may specified above, the maximum distulatory period will equips SX (0) MONTHS from the mailing date of this communication.  If the period correlation are specified above, the maximum distulatory period will equips SX (0) MONTHS from the mailing date of this communication.  Any reply received by the Office later than there morthed are the maining date of the communication, use of timely filed. The proposed of this communication is a policiation in a condition for allowance except for formal matters, prosecution as to the merits is closed in accoordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-24 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) 1-24 is/are rejected.  7) Claim(s) is/are objected to.  8) Claim(s) 1-24 is/are rejected.  7) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. Sea 37 CFR 1.85(a).  11) The proposed drawing correction filed on is/are: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to his Office action.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some *c  None of:  1 (Certi	_		Application No.	Applicant(s)				
Roberta A Stevens	•		09/750,585	PHILLIPS ET AL.				
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THE MAILING DATE OF THIS COMMUNICATION.  Estatesions of term ray be valided under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SX (6) MONTHS from the mailing date of this communication.  It NO periods from the provision of the communication of the communication of the communication of the provision of the provision of the communication of the provision of the priority under 35 U.S.C. § 119(a)-(d) or (f).  a) The proposed drawing correction filed on	Period							
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## Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 2. Claims 1-3, 5, 6, 13, 14, 16, 20 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Taylor (U.S. 6289376 B1).
- 3. Regarding claims 1, 5, 6, 13, 16, 20 and 24, Taylor teaches (abstract and figures 1-6) a non-volatile data storage interface unit, or se in an information distribution system configured to distribute information assets stored upon a non-volatile data storage to users via a dynamic data transmission path including a cell-based switching fabric, the interface unit comprising: a cell transceiver connectable to a cell-based switching fabric facilitating transfer of data cells between the non-volatile data storage interface unit and the cell-based switching fabric, the cell transceiver comprising; a cell transmitter coupled to an output of the non-volatile data storage interface unit and comprising a raw data to cell data formatting circuit; and a cell receiver coupled to an input of the non-volatile data storage interface unit and comprising a cell data to raw data formatting circuit; and a first non-volatile data storage controller interposed between the cell transceiver and the non-volatile data storage, the non-volatile data storage controller comprising circuitry for retrieving and forwarding raw data from the non-volatile data storage to the cell transmitter; and receiving and storing raw data from the cell receiver to the non-volatile data storage.

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4. Regarding claims 2-3 and 14, Taylor teaches (figure 4) a buffer controller coupled to the non-volatile data storage controller.

## Claim Rejections - 35 USC § 103

- 5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 6. Claims 4, 7-12, 15, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor.
- 7. Regarding claims 4 and 15, Taylor does not teach an ATM switch however it would have been obvious to one of ordinary skill in this art to adapt an ATM switch to Taylors's system to adapt ATM protocol to the system.
- 8. Regarding claims 7-12 and 17-19, as for a header generator, it is inherent in Taylor's system that a header generator exists in order for the switch to properly direct the data to it's destination. As for CRC and HEC generators, It would have been obvious to one of ordinary skill in this art to adapt to Taylor's system these error check methods as they are well known in the art.

## Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Merrell (U.S. 6553408), Phillips (U.S. 6438368 B1), Nguyen (U.S. 5930238), Allen

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(U.S. 5909638), Johnstn (U.S. 6064649), Rostoket (U.S. 5838904), Hunter (U.S. 6366557) and Wills (U.S. 6002692) are cited to show the state of the art.

- 10. Any inquiry concerning the communication or earlier communications from the examiner should be directed to Roberta Stevens whose telephone number is (703) 308-6607. The examiner can normally be reached on Monday through Friday from 9:00 am to 5:30 p.m.
- 11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor can be reached on (703) 308-6602.
- 12. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305-3900.
- 13. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to: (703) 746-9515

For informal draft communications, please label "PROPOSED" or "DRAFT"

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal

Drive, Arlington, VA. Sixth Floor (Receptionist).

Roberta A. Stevens

Patent Examiner

09-21-03

ALPUS H. HSU PRIMARY EXAMINER

Alpus vs. 250

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